IN THE HIGH COURT OF JUDICATURE OF BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 1352 OF 2000

Anant Purshuram Deodhar .. Petitioner

versus

State of Maharashtra & ors. .. Respondents

...

None for the petitioner.

Mr.C.R. Sonawane, AGP for the respondent nos.1 to 3.

None for the respondent nos.4 and 5.

CORAM : S.B. MHASE AND

D.G. KARNIK, JJ

DATED : 18th January 2006.

P.C.:

1. None present for the petitioner and respondent nos.4 and 5. Heard Mr.Sonawane, Assistant Government Pleader for the respondent nos.1, 2 and 3.

2. By this petition, the petitioner challenges the proposed acquisition of land bearing Survey No.110, Hissa No.2/1, admeasuring 44.70 Guntha situated at Chiplun, Dist.Ratnagiri iniated by a the notification under section 4 and the declaration under section 6 issued under the provisions of the Land Acquisition Act 1894.

3. The lands of the petitioner were proposed to be acquired for the purpose of construction of residential quarters for the employees of Post and Telegraphs Department. At the time of the admission of the petition, Ms.Dhere, learned counsel appearing for the Department of Post & Telegraphs made a statement before this Court that the Postal Department does not require the petitioner's land for the purpose of constructing for quarters of its employees and that the department had already written a letter dated 29th September 1998 to the Town Planning Department conveying this decision. This is noted by this Court in its order dated 28th April 2000 issuing rule.

4. The petitioner had filed another petition bearing Writ Petition No. 5235 of 2000 against the

Chief Officer, Chiplun Municipal Council challenging the reservation of the land for the purpose of postal department in the development plan. In that Writ petition also, the learned counsel appearing for the postal department made a statement that the postal department did not require the petitioner's land for constructing quarters for the employees of the postal department. The Division Bench of the Court noted the said statement and stayed the acquisition proceedings. The Court further permitted the petitioner to use the land for any purpose subject to sanction of the Municipal Council.

5. Today, none is present on behalf of the respondent nos.4 and 5 i.e. Union of India and the postal department. In the circumstances and in view of the statement made before two Division Benches on two occasions as noted above by the postal department that the land is not required for the purpose of construction of quarters of its employees, we are satisfied that the land is not required for construction of quarters for the employees of the postal department. The learned Assistant Government Pleader does not state that the land is required for any other purpose. In the circumstances, land is not

needed for any public purposes and cannot be acquired.

6. Accordingly, petition is allowed and rule is made absolute in terms of prayer clause (a).

7. As the petitioner is absent, we pass no order as to costs.

(D.G.KARNIK, J) **(S.B. MHASE, J)**